R E P O R T R E S U M E S

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INTERNATIONAL EXCHANGE OF TELEVISION PROGRAMMES FOR SCHOOLS. LEGAL AND ECONOMIC PROBLEMS. A EUROPEAN SURVEY.

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A QUESTIONNAIRE WITH 12 OPEN-ENDED ITEMS WAS SENT TO THE GOVERNMENTAL BROADCASTING ORGANIZATIONS IN 14 EUROPEAN COUNTRIES AND JAPAN. THE 11 REPLIES CITE THESE PROBLEMS IN PROGRAM EXCHANGE--LANGUAGE, PERFORMER'S FEES, PROFITS, LINKS BETWEEN TEXTBOOK PUBLISHERS AND PROGRAM PRODUCERS, THE VIDEO-TAPE RECORDER, COPYRIGHT ISSUES. (LH)

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INTERNATIONAL EXCHANGE OF TELEVISION PROGRAMMES FOR SCHOOLS

LEGAL AND ECONOMIC PROBLEMS

COUNCIL OF EUROPE
1966

INTERNATIONAL EXCHANGE OF TELEVISION PROGRAMMES FOR SCHOOLS

LEGAL AND ECONOMIC PROBLEMS

The Council of Europe was established by ten nations on 5th May 1949, since when its membership has progressively increased to eighteen. Its aim is "to achieve a greater unity between its Members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress". This aim is pursued by discussion of questions of common concern and by agreements and common action in economic, social, cultural, scientific, legal and administrative matters.

The Council for Cultural Co-operation was set up by the Committee of Ministers of the Council of Europe on 1st January 1962 to draw up proposals for the cultural policy of the Council of Europe, to co-ordinate and give effect to the overall cultural programme of the organisation and to allocate the resources of the Cultural Fund. It is assisted by four permanent committees of senior officials : for higher education and research, for general and technical education, for out-of-school education, and for film activities. All the member Governments of the Council of Europe, together with Spain and the Holy See which have acceded to the European Cultural Convention, are represented on these bodies[1].

In educational matters, the aim of the Council for Cultural Co-operation (CCC) is to help to create conditions in which the right educational opportunities are available to young Europeans whatever their background or level of academic accomplishment, and to facilitate their adjustment to changing political and social conditions. This entails in particular a greater rationalisation of the complex educational process. Attention is paid to all influences bearing on the acquisition of knowledge, from home television to advanced research; from the organisation of youth centres to the improvement of teacher training. The countries concerned will thereby be able to benefit from the experience of their neighbours in the planning and reform of structures, curricula and methods in all branches of education.

Since 1963 the CCC has been publishing, in English and French, a series of works of general interest entitled "Education in Europe", which record the results of expert studies and intergovernmental investigations conducted within the framework of its programme. A list of these publications will be found on the following page.

These works are now being supplemented by a series of "companion volumes" of a more specialised nature, including catalogues, handbooks, bibliographies, etc., as well as selected reports of meetings and studies on more technical subjects. These publications, to which the present study belongs, are listed on the following page.

General Editor : The Director of Education and of Cultural and Scientific Affairs, Council of Europe, Strasbourg, France.

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1. For complete list, see back of cover.

INTERNATIONAL EXCHANGE OF TELEVISION PROGRAMMES FOR SCHOOLS

LEGAL AND ECONOMIC PROBLEMS

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A European Survey

by

James Wykes

Council for Cultural Co-operation
Council of Europe
Strasbourg
1966

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IV-3 New Research and Techniques for the Benefit of Modern Language Teaching (1964)
IV-4 Modern Language Teaching by Television (1965)
IV-5 Educational and Cultural Films - Experiments in European co-production (1965)
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NOTE

Throughout the survey, the word "exchange" is used in its accepted rather than its literal sense, to represent the passing of a programme from one country to another, and not in its fullest sense of a reciprocal exchange.

ABBREVIATIONS

ARD	Arbeitsgemeinschaft der Oeffentlich-Rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland (Federal Republic of Germany)
BBC	British Broadcasting Corporation (United Kingdom)
BRT	Belgische Radio en Televisie, Nederlandse uitzendingen (Belgium)
DR	Danmarks Radio (Denmark)
EBU	European Broadcasting Union
ITV	Independent Television (United Kingdom)
NHK	Nippon Hoso Kyokai (Japan)
NRK	Norsk Rikskringkasting (Norway)
OCORA	Office de Coopération Radiophonique (Ministère de la Coopération, France)
ORTF/IPN	Office de Radiodiffusion-Télévision Française/Institut Pédagogique National (France)
RE	Radio Eireann - Telefis Eireann (Ireland)
RTB	Radiodiffusion-Télévision Belge, émissions françaises (Belgium)
SRT	Sveriges Radio (Sweden)
SSR	Société Suisse de Radiodiffusion et Télévision (Switzerland)

P A R T I

INTRODUCTION

1. The Background

The concept of cultural exchanges, especially between those countries which enjoy friendly relations (or wish to do so), and respect each other's traditions, artistic values and way of life, is a natural and healthy one. It goes back 2,000 years in European history, to the days when the Roman appetite for Greek culture prompted one of their poets to write "Graecia capta ferum victorem cepit", and the rage for all things Greek evoked bitter comments from the reactionary satirist Juvenal during the earlier days of the Roman Empire.

Things have changed a good deal since then, but it is interesting to note that through all the developments that facilitated cultural exchanges during the intervening centuries - the invention of printing, the visits abroad of great artists and composers, the dubious activities of the art "pirates" and the fashion of making the Grand Tour in the eighteenth century - one factor remained constant until comparatively recent times. Physical movement from country to country was required - whether of those who wished to admire, or those who consented to perform, or even of the works of art themselves. Travel, in some form or other, remained - as it still remains - an unrivalled method of acquiring knowledge about the culture and way of life in other lands, and as wealth increased and communications became faster and easier, it was made available to a much larger number, although still always the preserve of the affluent minority.

However, it needed the invention of the motion picture, and particularly its rapid development after the first world war, to open the eyes of the mass of the people to the outside world. Although in quantity it has never been able - nor has it even tried - to rival entertainment films (many of which, incidentally, derive a special value from the authenticity of their background), the so-called cultural film has played a significant part in breaking down barriers - particularly those of ignorance. Hard on its heels came radio, appealing to the ear alone, but none the less important, especially from the point of view of its quality of immediacy, through which an event in a distant country could be heard, and described, as it actually happened. Finally, television, reinforced by the satellite, has achieved the ultimate break through, combining as it does the advantages of both film and radio (sound and vision combined with immediacy). The only thing still lacking (in Europe at least) is colour, and the introduction of this last refinement cannot now be long delayed.

2. The Role of Television in a Smaller World

Nevertheless, it is unlikely that there would be much support for the view that telecommunications will ever render the personal contact with foreign countries which travel makes possible either superfluous or even less popular. Indeed, the increase in foreign travel during the past decade suggests that the opposite is the case; and it is reasonable to suppose that the comparatively superficial picture of other countries which is conveyed by means of film and television acts as a stimulus (to those with the means to do so) to go and see for themselves. However that may be, what is quite certain is that modern devices for conveying sound and moving pictures across the frontiers have revolutionised what might be termed the secondary means of promoting cultural exchanges.

It must also be remembered that the rapid advances which scientific discoveries have made in the field of communications of all kinds have tended to make the world seem much smaller. In addition, discoveries outside this field - some of a much more sinister kind - have given strength to the view that mere co-existence is not enough, and that there must inevitably be in the long run a closer drawing together of nations, especially those groups which share common ideals of government, as well as of economic and social betterment. The Council of Europe itself exists to translate these ideal concepts into practical terms. Its charter proclaims the necessity to create an organisation which will bring European States into closer association; and further that "this aim shall be pursued through the organs of the Council by discussion of questions of common concern and by agreements and common action in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realisation of human rights and fundamental freedoms"(1).

Within this framework the promotion of cultural relations occupies a vital place, because it is an area which offers some of the best chances of a comparatively early harvest of results. The advantages of cultural exchanges are nowhere in dispute, and the means of maintaining and developing them are ready to hand. What is now required is the action which will cause the building to rise on foundations which are already well and truly laid.

In tackling any long-term project (and the shaping of human attitudes must always be regarded in this light), it is inevitable that the part which the education of the young can play should be well to the fore. They are more impressionable than adults; and they are the citizens of tomorrow. Perhaps it is not too fanciful to think that some of those in our schools today may in their lifetime come to regard themselves as citizens of Europe - or even of the world; but this cannot possibly be achieved without some conscious effort on the part of the educators. It may be that, in the short term, the difficulty will be to find sufficient teachers who, in spite of having themselves grown up in a world which regarded supranational concepts, if it ever thought about them at all, as impracticable and possibly undesirable, now believe firmly enough in these ideals to impress them with the necessary impact on their pupils.

As we have already seen, it is no coincidence that at a time when the need for closer associations arises science has placed in our hands the tools which will help to achieve these ends, because it is the advance of science which has caused the need. It did not take long for teachers the world over to find out the value of, first, the film and then radio as teaching aids. Now television is coming to be recognised more and more widely as a teaching medium of a power which neither film nor radio can match. Its use in the classroom for fostering the development of international understanding is already widely accepted, if not as yet widely practised.

At the Second International Conference of Broadcasting Organisations on Sound and Television School Broadcasting, which was held in Tokyo in April 1964 under the auspices of the European Broadcasting Union and organised by NHK, one of the Commissions was invited to enquire into the teaching of history and geography by sound and television, particularly as a means of promoting international understanding. The report of this Commission revealed that, while it was generally agreed that broadcasting could make a very real contribution towards this desirable end, a note of caution had to be sounded, especially in connection with the utilisation

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(1) Preamble to the Statute of the Council of Europe.

of programme exchanges in these subjects between countries. It was considered by some delegates that countries are not very well adapted to presenting a picture of their own history and geography in an unbiased way. While this might perhaps be acceptable for home consumption, even if far from ideal, it seemed unlikely that a programme of this type would be suitable for other countries. A better plan might be to exchange programme material (two or three schemes of this kind were mentioned), or send producers abroad to gather it for themselves.

Apart from the report of this particular Commission, the recommendations of the Conference as a whole were shot through with ideas for promoting international exchanges of programmes or programme material on a worldwide scale, with the particular purpose of meeting the needs of developing countries. The last recommendation of all, put forward by the Australian delegation, is worthy of mention. It runs as follows:

> "That with the object of creating in the minds of children a sympathetic understanding of other peoples, it is suggested that broadcasting Unions should arrange exchanges of educational television programmes directed to schools, the programmes being concerned with the way of life of the country of origin, having an international sound track and being free of copyright and all other costs except print costs; further, that each Union wishing to participate should advise other Unions accordingly before 31st December 1964, and should request its member organisations to produce before 1st July 1965, an appropriate number of programmes from which those most suitable would be selected, having in mind the object of the exchanges"(1).

Although the study of the use of educational television to promote international understanding was linked to the teaching of history and geography at the Tokyo Conference, it must not be thought that these are the only subjects which are suitable for this purpose, or indeed for programme exchanges. On the contrary, as we have seen, some doubts exist whether these subjects are necessarily the best choices. No subjects are ruled out completely, but some are more obviously suitable than others. Generally speaking, those which are most closely related to the cultural side of education will provide the best opportunities - i.e. the arts, music and drama and, within certain limitations, foreign languages. It is in the sphere of the more factual subjects - mathematics and science - that the difficulties of exchange would appear to be greatest, not only on account of their very nature, but also because the differences in syllabus content and teaching methods in these subjects between different countries are likely to be of the greatest significance.

3. Protection of Authors and Performers

What then, apart from the pedagogical problems just referred to, are the obstacles which are at present hampering the exchanges of schools television programmes between European countries? In order to make this clear, it is necessary to take another backward look to the time when works of art - especially those capable of being reproduced, such as literary and dramatic works - began to be exchanged in large numbers all over the world in response to popular demand. In order to prevent a

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(1) Proceedings of the Second International Conference of Broadcasting Organisations on Sound and Television School Broadcasting. (NHK 1965), p.732. The report of the above-mentioned Commission is worth studying closely (pp.471-522), especially the written communications from NHK and BBC.

recurrence of pirating on a much larger scale than ever before, legislation had to be introduced in order to protect the rights of authors. In addition to laws of copyright drawn up by individual countries, the famous international Berne Convention, originally signed in 1886, is now acknowledged, not yet universally but far beyond the confines of Europe, as the ultimate authority in matters of copyright. So far, the Convention itself does not recognise that the law should be relaxed in favour of educational establishments who make use of works which are subject to copyright, but this omission is, to some extent, balanced by the concessions which the laws of many of the signatories make in this respect in their own domestic legislation (1). Discrepancies, however, are likely to cause problems if and when copyright material is exchanged between countries. This situation could be eased, however, if the revisionary conference to be held in Sweden in 1967 considers favourably the claims of schools for special consideration.

The advent and development of recording and broadcasting brought new problems of copyright, which have been dealt with in the revisions of the Berne Convention and are now accepted by its signatories. However, the nature of these activities has created a situation in which the protection of the original work against infringement is insufficient. In the case of the recording (or fixation) of works subject to copyright, the producers and performers also require protection. This has been provided by the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations of 1961 (sometimes known as the Rome Convention). Unlike the Berne Convention, this instrument included special reference to the claims of schools and allows its signatories to provide, in their internal legislation, for exceptions to the protection guaranteed by it in the case of "use solely for the purposes of teaching or scientific research" (2).

4. Customs Restrictions

Complementary to the protection afforded by governmental and inter-governmental agreements to protect the individual is the preference accorded by countries to the interests of their own nationals. This has been effected by the erection of customs barriers.

There were, therefore, some complicated problems to be solved by the Governments and organisations (either inter-governmental or non-governmental) which were concerned with promoting and easing the flow of international exchanges during the period which followed the ending of the second world war. As they were first in the field, it naturally fell to the makers and distributors of film to take the first steps. The Agreements negotiated by UNESCO at Florence and Beirut, which came into force in 1952 and 1954 respectively, were important advances in the breaking down of customs barriers. Of the two, the Florence Agreement attracted by far the greater number of signatories (44), possibly because it covered other categories besides "auditory and visual materials of an educational, scientific or cultural character" to which the terms of the Beirut Agreement were confined.

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(1) The only reference to education contained in the Convention as it stands at present is to be found in Article 10, which lays down that "the right to include excerpts from literary or artistic works in educational or scientific publications.....shall be a matter for legislation in the countries of the Union, and for special arrangements existing or to be concluded between them".

(2) loc. cit. Article 15 1 (d)

Apart from this, the main differences between the two were that the Beirut Agreement, in addition to customs duties, included exemption from quantitative restrictions and the necessity for applying for an import licence; and that while the Beirut Agreement placed the responsibility for the certification of material on the exporting country, under the Florence Agreement the material must be consigned to an appropriate body certified by the importing country. Such bodies may include broadcasting organisations, but it is understood that some countries' Governments are reluctant to allow broadcasting organisations the privilege of this permissive clause.

5. The Coming of Video-tape

However, the development of television which had been foreseen in the terms of the Beirut and Florence Agreements was not long delayed. Thus we find a UNESCO Conference in Tangiers in 1955, the purpose of which was "to assist in developing international co-operation and exchange of educational, scientific and cultural programmes among producers and distributors of films and television organisations.....and to stimulate the development of television as a medium for the promotion of international understanding". The main recommendation of this Conference was the establishment of an international centre whose main function was to "collect, control and disseminate" information about films which might be of use to television organisations towards the realisation of the aims of the Conference.

It is interesting to note that it was natural to envisage close future links between film and television, as film was at that time the only alternative to the live broadcast. That the aims of the Conference were never fully realised would appear to be due to the discovery and rapidly developing popularity of video-tape from 1957 onwards. This comparatively cheap and simple method of "fixing" a live television performance as it is made has during the past decade revolutionised the whole conception and organisation of broadcasting by television and, incidentally, created some new problems of its own. Although certain features concerning the international exchange of programmes of an educational kind remained common to both film and television, the widespread introduction of video-tape marked the parting of the ways, and henceforward the problems of the two media had to be dealt with in separate compartments.

6. Educational Television Exchanges - The First Steps

The Council of Europe first showed awareness of the points at issue early in 1961 when a course, organised by the French Government and attended by delegations from twelve countries, was held in Paris under its auspices on "The Use of Television in Teaching". In addition to the recommendations made to the Committee of Cultural Experts (1) on matters relating to the exchange of equipment and information about the achievements in the use of schools television and in experimental research (2), a request was included that "every effort should be made to overcome the difficulties concerning royalties, fees and copyright which are at present hampering any increase in exchanges of school television programmes".(3)

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(1) This Committee was replaced in January 1962 by the Council for Cultural Co-operation of the Council of Europe.

(2) At this time, only three of the countries represented were making television broadcasts regularly to schools: France (since 1951), United Kingdom (since 1957) and Italy (since 1958).

(3) Council of Europe document PA/Cult.(61) 76, p.6.

Difficulties of a pedagogical nature were not considered to constitute a major obstacle. "Even though their educational aims might be quite different, the techniques in use in countries where educational television already existed were very similar: namely the use of studios for live broadcasts illustrated with extracts from films. Practically speaking, therefore, exchanges would be feasible between organisations producing such technically similar programmes."(1) The seeds of doubt, however, and also of an alternative idea which is at present being worked upon, are discernible in the next paragraph: "The delegates.....hope in particular that every effort will be made to encourage bilateral or multilateral exchanges of films of school television broadcasts, especially film sequences suitable for use in school television programmes".

The delegates also welcomed the setting up of a working party on television for schools in the European Broadcasting Union, which (they thought) "should improve the possibility of school exchanges between European countries". They further welcomed UNESCO's continuing interest in the studies on school television.

The next stage in the pursuance of legal and economic problems was reached in May 1964 by the submission of memoranda (2) to the Legal Committee on Broadcasting and Television by two experts in educational television: Henri Dieuzeide, Head of the School Radio and Television Division of the National Pedagogical Institute, France, and Joseph Weltman, Education Officer of the Independent Television Authority, United Kingdom. These suggested in outline ways of dealing with points raised at the 1961 Paris Conference which related to difficulties concerning royalties, fees and copyright. Later in the same year the need for action was pointed at the Seminar held in London under the auspices of the Council for Cultural Co-operation of the Council of Europe. The subject of this was "The teaching of Modern Languages by Television", and among the recommendations were included the following: "The Seminar considered that the modern language teaching field was particularly appropriate for European co-operation; and that television, as a new and expanding medium, provided a practical vehicle for this co-operation". (3) Among the practical proposals the following headed the list:

(i) the interchange of television programmes and programme material;

(ii) the co-production of such programmes and material.

Arising directly from this, the present survey was commissioned in December 1964, with the following terms of reference:

"to inquire into the juridical and economic problems hampering the exchange of schools television programmes.".

7. Scope of the Survey

It will be noted, therefore, that this survey is confined to the investigation of particular kinds of difficulty which stand in the way of

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(1) ibid. p.5.

(2) Council of Europe document EXP/Jur/Rad/Tel (64) 3.

(3) "Modern Language Teaching by Television", by Raymond Hickel, pp. 175-176, Series "Education in Europe", Section IV-4, Council of Europe, 1965.

the international exchange of schools programme - the legal and economic. Others, which might be regarded as no less formidable, are outside its scope, as for example the problems of reconciling the differences between teaching methods and syllabus content. At present there are probably few European countries in which even the teachers who use television in the classroom are prepared to accept whole-heartedly the offerings of their own broadcasting organisations. A comment taken from the booklet issued recently by the Japanese and Australian broadcasting authorities on "Educational Television in Developing Countries" underlines this point in a wider context. Under a heading "Involving the Teachers and Education Authorities", the following appears: "Experience has shown that there is likelihood of a negative attitude towards television by the established classroom teacher. This will vary from outright antagonism to an honest appraisal of the limitations of the medium". If this attitude is at all common (and experience suggests that it is), it might well be asked what chances there would be for programmes made initially for the teachers and pupils of another country.(1)

Another major obstacle to programme exchange - that of language - is in itself also outside the scope of this survey, but there are circumstances in which it could become relevant. In the case of a programme which requires translation into another language in order to make an exchange possible, the only possibility (if sub-titling is regarded as inappropriate to an education programme) is to make a new sound track in the required language. As in the type of programme under consideration it is likely that speakers will appear on the screen lip-synchronised "dubbing" will be required - a notoriously expensive operation.(2) In this way, the language barrier may well become an economic problem, owing to the increase in the cost of exchange.

Another point to be borne in mind in connection with the terms of reference is that it is often difficult to keep the legal and the economic difficulties in separate compartments. The issues they raise tend to overlap. For instance, the payment of fees to copyright societies and performers is based, if not always on law, at least on agreements which are legally binding, but in so far as the payment of such fees by broadcasting organisations adds to the cost of programme exchanges the problem is in effect an economic one.

8. Film and Television

It might be thought that all the pioneering work which has been done in the field of cultural film exchanges would have cleared the ground for the exchanges of educational television programmes, but unfortunately this is only true to a limited extent. The negotiation of the UNESCO customs agreements, as well as the concessions obtained for temporary loans for the purpose of viewing and appraisal, apply with equal force to both films and television, but there the similarity ends; and it is for this reason that the problems of television exchanges must be considered separately.

The differences arise from the fundamentally diverse natures of the two media. A film is designed to be shown to small numbers on a large number of occasions in as many places as possible over several years. On the other hand, television programmes (including films made expressly for this medium) are intended to be broadcast within a defined area to a

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(1) A more lengthy comment on the attitude of teachers to television can be found in Monsieur R. Hickel's report on "Modern Language Teaching by Television", pp. 145-148.

(2) Further reference is made to the difficulties of "dubbing" in paragraph 10.

very large audience only once, or at most, not more than a few times. This basic difference affects the forms of contract which the producers make with performers and holders of copyright. The film maker employs a form which gives him rights over a wide area and a long period of time. It costs him more initially, but he has no alternative, because he wants his film to be widely shown and has no other way of making his venture commercially viable. The result is that international exchanges are greatly simplified from the point of view of copyright clearance and payment of fees, and in addition negotiations for purchase are similarly facilitated by the fact that the rights are held by a single person or group. Contracts for television, however, are made with a strictly limited number of performances in mind in a predetermined area. Exchanges with other countries are sometimes not envisaged in the original contracts at all, with the result that all (performers and others) involved in a programme may have to be consulted and their agreement obtained before an exchange of that programme can take place. As it is clearly not in the financial interest of the producers to obtain in advance rights which would permit international showings of a programme which might well not take place, the custom has grown up of including in contracts what are known as exploitation fees (sometimes called residuals) which are only payable to performers, musicians, copyright societies etc. in the event of repeat performances taking place either on the original network or abroad. Agreements between broadcasting organisations and performers' unions often include fixed scales of payment which cover repeat performances in various areas.

9. Characteristics of Video-tape

Bearing in mind the special nature of television programmes, one can easily see why the broadcasters welcomed so eagerly the development of video-tape. By this means programmes can be recorded very much more quickly and cheaply than on film, and when its comparatively short life is completed a programme can be erased from its tape and the tape used again. However, video-tape has certain technical limitations which do not apply to film and are of special importance in relation to international exchange. In the first place, it is difficult to edit, partly because the picture is invisible except when the tape is played through a machine and also because the sound and vision, which are recorded on the same tape, do not coincide in a vertical line. The result is that editing takes time and a cut can only be made where a break occurs in the programme. It is encouraging to learn that more sophisticated machines which will facilitate editing are at present being developed. Another limitation is due to the fact that there are no separate tracks for speech and effects. Sound of all types is scrambled together on one track. Even when a tape is transferred to film (the result of which is called either a telerecording or a kinescope) the sound track is still indivisible. If, therefore, as often happens in the case of international exchange, the speech element in a programme requires to be translated into another language, an entirely new sound track must be prepared and the other sound effects will either be lost or will have to be re-recorded. If "dubbing" is also involved, the cost of the exchange is likely to be very high.

It is particularly vexing for those who wish to promote educational exchanges that the characteristics of television and video-tape which have just been described apply with particular severity to this type of programme. Those who use schools programmes bear a much greater resemblance to a film than to a television audience. They are (for any one programme) comparatively small in numbers, there is need for the showing of certain types of programmes over a wide area, and good programmes should be capable of a number of repeats, limited only by the necessity for keeping their content and teaching method up to date, because the school audience at any one age level is always changing. It follows, therefore, that the method of con-

tracting employed by the film producer, with certain modifications, would be more suitable for television producers in the case of educational programmes. In fact, however, the forms of contract used by broadcasting organisations are everywhere basically the same for all types of programme.

10. The Language Barrier

The linguistic difficulty which may arise out of the use of video-tape has already been touched upon.(1) If the television teacher appears on the screen in a schools programme (as indeed is the custom) and the programme requires translation, there is no alternative to the expensive process of lip-synchronised "dubbing". It might be argued, however, that even where this is technically and economically possible, it is questionable whether this process is to any great extent more appropriate to a teaching programme than the use of sub-titles. There can be no doubt that "dubbing" can be highly successful in entertainment, and even in documentary, programmes. No one who has seen an American "western" dubbed into Japanese could possibly deny this! However, it must be borne in mind that the "dubbing" process involves fitting the sounds in the new language to a predetermined length, and also to a certain extent following the lip movements. It is almost certain, therefore, that although the general sense is retained the actual words will undergo considerable change, and the translation will inevitably be "free". This may not matter greatly in the case of an entertainment film, but it is difficult to see how a "dubbed" teaching programme could avoid serious distortion of the didactic message with a consequent break-up of the essential integration between sound and vision. As far as my knowledge goes, there has been only one attempt to translate an educational programme by this means. Its success or failure in the pedagogical sense is unknown, because the project came to nothing owing to the expense involved. The economic barrier was insurmountable. The linguistic problem remains a serious obstacle to programme exchanges between countries which do not understand each other's language. The main exception to this is, of course, the language teaching programme which employs only the language being taught.

11. Problems of Information - Film and Television

It will be seen, therefore, that while film and television share some of the same problems with regard to international exchanges, other problems are peculiar to one medium or the other. It remains to mention briefly one area of difficulty in which the two overlap to some extent. One of the major difficulties in the matter of film exchanges is concerned with the supply of information regarding the material which is available. It is estimated that in the United Kingdom alone there are approximately 800 distributors handling between them 15,000 cultural, educational and scientific films. The second figure, moreover, is increasing at the rate of about 1,000 each year. The difficulty as regards schools television programmes is different, yet not wholly dissimilar. The number of schools programmes produced in any one year in Europe is a very small fraction of the film total - the number of producers is obviously very much smaller, and again only a proportion of programmes would be regarded by their authors as suitable for exchange. However, the related problem of the cataloguing of existing programme material which would be of value from an international point of view is a much greater one. It will be recalled that this modified means of exchange was foreseen as long ago as the Paris Conference of 1961 (2) and now forms the subject of two practical experiments which are

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(1) See paragraph 7.

(2) See paragraph 6.

being undertaken by the EBU Teaching by Television Study Group.(1) However, the problem of cataloguing the filmed material held by the broadcasting organisations which might be considered suitable for inclusion in the schools programmes of other countries represents a task of no less formidable proportions than that with which the film organisations are trying to grapple. The EBU Study Group has made some attempts to encourage broadcasting organisations to produce lists of available material, but so far it appears that these have met with little success, chiefly because the organisations have not the resources of staff for compiling records of this type. A more helpful suggestion, put forward recently by Monsieur H. Dieuzeide, is for an advance exchange of information by broadcasting organisations not only about material which is about to become available, but also of specific needs for material from foreign countries. At the rate at which programmes are at present being made, a very large list of available filmed material would quickly agglomerate and the almost hopeless task of cataloguing old material would be unnecessary. There would still, however, be a problem of copyright to be overcome, and in so far as the cataloguing and publication of information about new material would require time and funds, it would have to be regarded, at any rate marginally, as an economic problem.

12. Summing Up

In the foregoing paragraphs I have tried to outline the background to the problems which are being studied, so that they can be seen in true perspective, as a prelude to the action which will require to be taken to solve them. To many of the readers of this survey they will be well known; but I have a wider readership in mind, because it seems to me that the more those involved in educational television at all levels - the planners, producers, authors, performers and teachers - are made aware of them, the better will be the chances of generating the necessary action.

Those, therefore, who have followed the survey so far will have some knowledge of these difficulties. Apart from the pedagogical problems of programme content and teaching method (which are outside the scope of this survey), there have to be considered the restrictions imposed by customs barriers, and agreements with performers' unions and copyright societies, the special characteristics of educational programmes, the language barrier (closely linked with the technical limitations of video-tape and problems of "dubbing") and finally the problems of the availability of information.

However, it is unlikely that such a statement would by itself be sufficient to achieve the desired results. It was therefore decided, after consultation with the Directorate of Education and of Cultural and Scientific Affairs of the Council of Europe, that it would be useful to find out what the experience of member countries has been in this field, and to what extent the obstacles to the exchange of schools programmes are, or are not, being overcome; further, that the best available way of obtaining the necessary information was by means of the time-honoured, if unpopular, device of issuing a questionnaire.

(1) See Appendix A.

P A R T II

THE QUESTIONNAIRE

1. Introductory

It was agreed with the Directorate of Education and of Cultural and Scientific Affairs of the Council of Europe that the questionnaire should be sent to the Directors General (or equivalent) of the broadcasting organisations of member countries; further that this should be accompanied by

(i) a letter, signed by the Director of Education and of Cultural and Scientific Affairs, addressed "to whom it may concern". This was to serve as an introduction to the writer and act as his authority for making the approach;

(ii) a letter, signed by the author of the survey, to explain the general situation and emphasise one or two details - more especially the date by which replies were required.

In addition, the Director undertook to write to the Heads of delegations of the Council for Cultural Co-operation, with copies to other Members of the Council, to inform them that the broadcasting organisations in their respective countries would be approached by the author of the survey, and asking for their co-operation.

As the survey has been confined to countries participating in the work of the Council for Cultural Co-operation, the experience of many broadcasting organisations which produce programmes for schools has necessarily been excluded. Even among member countries only those organisations which produce schools programmes were included, as it was clear that without this experience no useful contribution could be made. It is understood, however, that the survey itself may be of value to those organisations which are contemplating the establishment of a service for schools.

Although, almost inevitably, the replies took some time to come in - some were as much as two months late - a very high degree of good will and co-operation was achieved, and the author would like to take this opportunity of expressing his thanks for the care taken in preparing the replies and the unfailing courtesy he has met with at all times, both in correspondence and personal contacts.

In all, replies were received from eleven broadcasting organisations: Belgium (BRT and RTB), Denmark (DR), Ireland (RE), France (ORTF/IPN), Federal Republic of Germany (ARD - Bayerischer Rundfunk), Norway (NRK), Sweden (SRT), Switzerland (SSR) and United Kingdom (BBC and ITV).

After consultation, it was agreed that the replies should not be reproduced in full, but that a more cohesive and consistent result would be obtained if they were grouped and summarised. However, whenever it has been considered useful and appropriate to do so, the original replies have been recorded verbatim.

2. Summary of Replies

(N.B. The word "exchange" is used throughout in the sense of a passing of programmes from one country to another, not necessarily a reciprocal exchange.)

Question 1. Have you achieved, or attempted to achieve, any exchange, either temporary or permanent, of schools television programmes with any other European countries?

The answers revealed, not unexpectedly, that not much is happening at present. The only organised scheme for exchange is the arrangement between the Nordvision organisations (DR, NRK and SRT), whereby each makes five or six language teaching programmes which are shown to its own schools and also to those in the other two countries. The languages dealt with in this way are French (produced by Sweden), German (by Denmark) and English (by Norway). This scheme owes much to the long experience of co-operation between these organisations in the field of radio. Further details of the scheme and reference to other exchanges are included in a memorandum supplied by Mr. Hans J. Birkrem of NRK, which may be found in Appendix B.

In comparison with this, such exchanges as have been made seem random and disorganised. As might be expected, the organisations which have been making schools programmes for the longest time tend to be the suppliers rather than the recipients of programmes, although this is by no means always the case. For instance, ARD, which started broadcasting to schools in 1964, has already supplied programmes to Austria, Norway and Switzerland. In turn they have used programmes (either complete or in part) which emanate from Denmark, England, France and Sweden.

However, no country has developed such a free flow in both directions as the Nordvision countries. ORTF/IPN, in 1961/62, took four drama programmes from ITV (Rediffusion), but most of their exported programmes pass via the Ministry of Foreign Affairs or OCORA to countries outside Europe.

The BBC's reply said that "in general the BBC is not in the business of exchanging programmes.....most programmes offered are a representative cross section of the BBC's domestic output, including schools and educational programmes." They go on to say that "only a very small percentage of our schools and adult educational programmes are suitable for offer to Europe. We try to promote sales of these." They then mention the language difficulties which arise when a programme is offered to a non-English-speaking country. Most of their exchanges have, for this reason, been with Ireland.

The policy of the ITV Companies (of which only three - Associated Television, Granada Television and Rediffusion Television - produce schools programmes on any large scale) is less positive. They have organisations for sales overseas, which are run on a purely commercial basis. They do not promote sales of educational programmes as they do not regard such activity as likely to prove economically viable, but are usually prepared to negotiate a sale if they receive a request for an educational programme. Sales have been made in the past, but not to any European countries, apart from random exports to Malta and four drama programmes to France.

Several organisations mentioned the EBU sponsored schemes for co-production of silent film sequences and raw script material by various countries. These are designed to provide material for programmes in geography and mathematics which can be exchanged at print cost between the broadcasting organisations taking part. By this means they aim to overcome the difficulties of language and different teaching methods. An account of the activities of these two groups has been contributed by Messrs. Sten-Sture Allebeck (SRT- geography) and Robert McPherson (Scottish Television -

mathematics), and is included in Appendix A.

Question 2. If so, what difficulties were encountered and to what extent were they overcome? It would be helpful if answers could be grouped under the following headings:

1. customs duties or delays
2. import quotas
3. copyright of programme material (filmed inserts, quotations from published books, music, still photographs etc.)
4. performers' fees
5. any other difficulties not covered by the above.

1. Customs duties or delays

The only organisations who pay customs duties on imported schools television programmes are RTB, BRT and SSR, despite the fact that Belgium and Switzerland are both signatories of UNESCO. The Florence Agreement of 1962, by the terms of which educational material (including television programmes) is exempt from import duties, provided that the Government of the receiving country certifies that the broadcasting organisation is an appropriate body for exemption. The organisations concerned are aware of this fact.

SRT pointed out that it is important to advise the customs beforehand about the contents of incoming packages of film or video-tape material.

2. Import quotas

No difficulties were reported, as no country by means of legislation imposes any restriction on the amount of foreign material imported for showing on television. In the United Kingdom the amount is limited by the Independent Television Authority to 16% of output on any one station. This has not yet caused any difficulty, as far as schools programmes are concerned, because there is no evidence of any ever having been received from abroad by ITV companies. If they were, it seems likely that such programmes would not be exempt from the quota restriction.

3. Copyright of programme material

The replies indicated that there was nowhere any preferential treatment for schools programmes in the matter of payment of fees, except that ARD mentioned that copyright might be free of charge in some cases "by individual arrangement".

At the same time, BRT was the only organisation to report that drama programmes were prevented from being taken because of high fees. "If copyright were less onerous, more English and French plays would be broadcast for schools.". In some cases the producers had been unable to secure the rights for Belgium at all.

Such other difficulties as exist seem to be of a minor kind, but none the less important. The BBC find that it is often impossible to obtain clearance for American gramophone records for broadcasting overseas. NRK reports a case of permission for film being refused unless it was broadcast in toto.

ORTF/IPN have overcome their difficulties by negotiating with the appropriate organisations for flat rate payments for the use of filmed inserts (at so much per minute), music and still photographs.

4. Performers' fees

The only example of preferential treatment for schools programmes which came to light under this heading is the agreement which the ITV Companies in the United Kingdom have with the actors' union (Equity) whereby in the case of repeats of schools programmes in foreign countries performers receive 25% of the fee which they would have obtained for any programme other than a schools programme.

The BBC have not sought to become parties to this agreement, although they point out that they could negotiate a similar one if they thought it desirable.

ORTF/IPN is in the process of negotiating new agreements with the appropriate bodies for payments not only to performers, but also to producers.

The Belgian broadcasting organisations report that they have often been obliged to abandon the idea of broadcasting plays with a foreign cast, because of the very high fees demanded.

5. Any other difficulties

Under this heading, RTB and BRT state that "other difficulties arise, but of a cultural and pedagogic nature, as standards differ from country to country".

Although, strictly speaking, outside the scope of this survey, the significance of this remark is such that it cannot be ignored, and is therefore included.

Question 3. Do the performers' unions or copyright societies in your country make any concessions in the case of schools television programmes, particularly in regard to copyright regulations, repeat transmission fees or the number of times a programme may be repeated?

Copyright. In the Scandinavian countries, a published work (which is not a scenic work or a film work) may be presented publicly, for teaching in schools, without payment of copyright. This regulation is held to include schools television programmes. The reply from DR adds "...On a long view the author's economic interest will hardly be damaged by the spreading in schools of knowledge of his production, and a world-wide exchange of schools television programmes will only serve his interest."

The BBC in their reply report as follows: "On the copyright side no special concessions are granted to the BBC for the use of music except that our recording agreements permit us to use our recordings without special payment for educational demonstration use within the United Kingdom.

As regards literary material, our practice is to offer an initial fee which covers two schools broadcasts for roughly the same fee as (or rather less than) we would normally pay for one broadcast of a non-schools programme; this facility takes account of variations in schools time tables and their limited viewing facilities. For similar reasons each further repeat given within the standard repeat period of two years from the date of the initial broadcast carries a 25% fee instead of the usual 50% repeat fee. We also have the right to permit educational demonstration of schools programmes throughout the world.

In general fees charged for schools programmes tend to be lower than those charged for entertainment programmes."

In ITV there are no agreed concessions in the matter of copyright, and clearances are negotiated in each case as it arises. In general, fees paid

in respect of schools programmes are less than for entertainment programmes.

Performers' fees. NRK and SRT report that the only concession is that fees paid to performers in schools programmes cover three transmissions provided that these are all within the period of one week. NRK pay a slightly higher one-time fee than normal in respect of this concession. There are no concessions to the broadcasting organisation for repeats at a subsequent date in these countries.

ARD report that negotiations are in progress on this subject. At present, performers' contracts cover three transmissions, two of which must take place within 24 hours.

ITV have an agreement with the actors' union (Equity) under the terms of which two commissions are permitted for the original fee provided that they take place within the space of a fortnight. Two further pairs of repeats are permitted for further payment under the same conditions provided that the three pairs of transmissions take place within a period of five years. The BBC have an agreement with Equity which is broadly the same and also a similar agreement with the Musicians' Union. ORTF/IPN states that in the case of exchange, performers in schools programmes receive half the normal fee for exported programmes. In some countries (outside Europe) where the audience is very small, this fee may be halved again.

RTB, BRT and SSR have no special agreements with regard either to copyright or performers' fees.

Question 4. What do you consider are the arguments for placing schools television programmes in a separate category from entertainment programmes for the purpose of exchange?

(N.B. In this section, where the replies indicate a considered statement of opinion, they are set down in full.)

ARD 1. The importance of schools television programmes for all educational purposes.

2. According to the different aims they have different values.

3. The smaller budget that all schools television departments have compared with those of entertainment programmes.

BBC We do not think it would be easy in practice to make a distinction between educational and entertainment programmes for the purpose of exchange, since the borderline between the two is not always clear-cut.

BRT and RTB

RTB considers that there should be special arrangements for schools television since it is addressed to a well-defined audience forming only a very small part of the usual audiences for the broadcasts designed for the entertainment of the general public. Moreover, schools television broadcasts are received in the classroom under the authority of the teacher.

BRT adds a further argument, to wit that schools television broadcasts minor programmes at hours when audiences are small.

NRK The arguments are that they are made for educational purposes, directed to a certain group of viewers at school, and for that reason they ought to be free of copyright fees, such as is the case in Norway with excerpts of literature printed in school-books.

ORTF/IPN

The educational function of such programmes, which normally have no commercial purpose.

The fact that they are broadcast to a restricted audience at hours when other audiences are small. (Precedent of the special arrangements applying to non-commercial films for educational use.)

RE In view of the fact that we have experienced no difficulties with regard to the exchange of these programmes, we cannot see any argument arising.

SRT We see no special reason for this.

SSR In order to foster education in all countries at all levels for the greater welfare of mankind.

Question 5. Are additional fees for copyright, performance etc. (which could be paid only in the event of rediffusion in another country) included in the contracts for schools television programmes as a matter of routine?

It does not seem to be the general practice to make allowance for exploitation fees unless a programme exchange is contemplated at the time the programme is made (as, for instance, in the case of the Nordvision group's language programmes - see Question 1). SRT is contemplating new arrangements to cover the possibility of wider exchange. ARD also has some new arrangement in view.

SSR includes the possibility of programme exchange in their contracts and no additional fees are payable.

The BBC reserve the right, in the case of special contracts for dramatic material commissioned for educational programmes, to sell programmes overseas in return for fees based on a percentage which varies according to the receiving country. Copyright for music, stage plays and published material is cleared as required in each individual case. There are no special arrangements for performers, who are paid in accordance with the normal arrangements in the event of overseas sales. The same arrangements hold for the ITV Companies, except that the special agreements with Equity referred to in Question 2, para 4, operate in the case of sales overseas.

ORTF/IPN are experimenting with a similar type of scheme, whereby a fee amounting to 50% of the original is paid to producers in the event of rediffusion in a foreign country. This fee secures for the Institut Pédagogique National all rights in the programmes. Such an arrangement would not be made unless the exchange of a programme is foreshadowed before it is produced. They add, however, that the practice of buying the rights in programmes is not a general one.

Question 6. In the event of video-tape recorders becoming available for schools, do you think that the copyright societies and performers' unions would make any exemption from copyright and performers' repeat fees in the case of schools programmes stored on video-tape by educational institutions? Does your national legislation provide for any such exemption?

Copyright. ARD confirmed that the new Copyright Act which was recently passed in the Federal Republic of Germany includes a reference to this

point. It will permit schools to record and reproduce broadcasts for educational purposes, provided that the recordings are erased or destroyed at the end of the school year in which they were made.

SSR, in their reply, referred to the new German law. At present Swiss law makes no concessions to schools in the matter of copyright, but as the complete revision of the law of copyright is under consideration, SSR has made representations that under the new law the concessions granted to schools under the new German Act should be incorporated, with the exception that the time limit clause should be omitted. They have pointed out that, in their case, they are unable to repeat schools broadcasts from year to year and that therefore the schools would derive great benefit from being permitted to keep their own recordings indefinitely.

The BBC point out that in Great Britain there is no law to prevent a literary, dramatic, musical or artistic work being "reproduced (e.g. recorded) or adapted in the course of instruction, whether at a school or elsewhere, by a teacher or pupil, otherwise than by using a duplicating process", i.e. making multiple copies. Gramophone records are exempt from this provision, but for the purposes of this section of the Copyright Act, sound-recordings, films and television broadcasts of literary, dramatic, musical or artistic works are treated in the same way as if they were "live" reproductions in the classroom.

RE report: "Since we are mainly concerned with copyright societies located in the United Kingdom, we assume that the answer to this question would depend on the position that these societies would adopt vis-à-vis the suggested practice within the United Kingdom".

DR and NRK report that there is no difficulty as far as copyright is concerned. (See also Question 3.)

Performers' fees. ORTF/IPN write: "This question concerns the unions involved, but we do not think that any fees would be due since it is not a question of broadcasting over either the regional or the national network. In the absence of broadcasting, no fees are payable."

In the case of radio programmes for schools, the BBC has found it necessary to obtain permission from the artists' unions so as to allow their schools radio programmes for classroom use to be recorded. As a similar concession was obtained from Phonographic Performance Ltd., acting for the commerical record companies (to cover the exposed point of copyright mentioned above), it is now permissible for schools to tape schools radio programmes, provided that the recordings are used only for instructional purposes in class and are destroyed at the end of the school year. They emphasise, however, that these arrangements are confined to schools radio, and do not apply to school television programmes. They are relevant to the purpose of this survey, in so far as they might form the basis for further negotiations when the time comes.

NRK reports as follows: "Our national legislation has authorised Government to provide for conditions as to recordings of schools television programmes. No further directions are at present provided for. We have, however, reason to believe that such activity will be centralised in a Transcription Service for the whole country, having to distribute copies to the schools. For this copying a lump sum will probably be paid to "Fund for Performing Artists" and copyright-owners. Pursuant to Norwegian law, no copyright-owner can, however, claim any particular remuneration for showing in schools.". A Transcription Service is already in operation for the provision of sound tapes.

RE do not anticipate any problem, but expect that repeat fees would have to be paid to performers.

On the general question of copyright and performers' fees, RTB and BRT point out that Belgian law provides for no exemptions, but feel that negotiations ought to be pursued with copyright societies and performers' unions with a view to securing preferential arrangements.

SRT replied as follows: "As things stand now, tapes from school-radio programmes may be used in schools for a period of up to three years for no extra cost. The legal term is "for temporary use", which is generously enough interpreted as up to three years. But negotiations between central school authorities and copyright societies are under way to arrange for schools to use the material indefinitely. However, this is a great problem and, so far, no solution is in sight.

As regards schools television the copyright legislation in this country does not make any provision for extended and repeated use of television programmes through the use of video-tape machines. The reason is simple: these machines were not invented at the time when the law was written. But we are confident that the schools television programmes will be made available in much the same way as is now the case in sound-radio.".

Question 7. Do you think that there would be any copyright difficulties in connection with literature (e.g. a textbook) which was an integral part of a television teaching programme and formed part of an exchange?

RTB and BRT foresee no difficulties, nor do the BBC, ITV, DR, NRK and SRT, subject to the conclusion of satisfactory negotiations for the payment of copyright fees to the author. DR point out that in the case of supplying such a programme with a textbook to another country, the latter would be responsible for negotiating fees with the author of the textbook.

SSR felt that there might be an economic difficulty in that programme budgets might not be sufficient to cover such payments.

SRT raised the point of royalties on the sale of such a textbook in the receiving country. They feel that this might be unfortunate because royalties are not normally paid to the authors of literature which accompanies home-produced schools programmes.

RE assume that the copyright of any textbook involved in a programme exchange would be vested in themselves and that therefore the receiving organisation would have to negotiate an agreement with them.

ARD point out that in the case of an existing textbook, copyright permission might not be obtainable if the rights in the book were held in the receiving country by an organisation which was not willing to grant it.

ORTF/IPN make the point that an author might be reluctant to write a textbook to be produced simultaneously with a schools television programme, because in that case the State would buy the copyright of the ideas which it contained and might not be prepared to protect the author against infringement by a third party. The only solution would be for the author to publish his book in advance of the television programme.

Question 8. Are members of the teaching profession who produce, direct or present schools television programmes obliged to become members of a producers' or performers' union?

All broadcasting organisations were agreed that the answer to this question is "No".

However, ITV reports that in the United Kingdom the actors' union Equity do not object to teachers presenting teaching programmes, provided that the fee paid to them is not less than the agreed minimum amount which would be paid to an Equity member. If, however, a programme is in dramatised form, Equity would expect all taking part to be members. A situation could therefore arise in which a teacher who was required to take part in a programme of this type might have to become a union member. This is probably unlikely to occur, as it is the common practice to employ professional actors in dramatised programmes.

Question 9. Do you know of any schemes for programme exchanges which have fallen through for economic reasons - i.e. because the cost of exchange was too high?

Most organisations replied to this question in the negative.

However, both RTB and BRT have experienced difficulty. RTB cites the case of a series of French and British plays, the exchange of which was abandoned on account of the high fees asked by the performers. (See Question 2, para. 4.)

ORTF/IPN state that in 1964 a scheme to supply twenty French language programmes to French-speaking African countries fell through owing to high cost of fees required by actors and producers.

Question 10. Have language difficulties (i.e. the cost of "dubbing" or making a new sound track) hampered the exchange of schools television programmes?

All the organisations concerned, with the exception of ARD and NRK, have experienced this difficulty, although RTB and BRT report that it does not usually arise.

ORTF/IPN quote an instance of a series of ten programmes on "An Introduction to Nuclear Physics" which could not be exchanged owing to the high cost of "dubbing" into English and Spanish.

DR point out that they have no facilities for "dubbing". In the absence of an international sound track, to which a commentary can be added, the only alternative is sub-titles, which, as they say, is unsuitable for a teaching programme.

The BBC state: "Clearly this must tend to be so. If, for instance, an international sound track is not available, the cost of having one made may be prohibitive.".

RE report: "The cost factor has not been a difficulty, but of course a number of programmes are rendered unsuitable for exchange purposes because they rely to a large extent on presenters speaking in the vernacular.".

SRT underline the technical difficulties, and, in addition, open up a new line of thought in the following reply to this question: "In a country like Sweden the language problem is paramount in this context. With the obvious exception of programmes meant for foreign language teaching, transmission over our network of complete schools programmes originating in a foreign country will not be very frequent. This is particularly the case with programmes centred around an anchor-man. Programmes on film could of course be provided with a Swedish sound track, particularly if there is little or no synchronised speech. But generally we feel obliged to make our own versions in order to adapt the presentation to the demands of the

Swedish school syllabus. We do not mean to say that there should be no place for film from the outside in our service. But the fact remains that we have hardly ever used any such films.".

SSR, with their special internal language problem, also appear to have the same thought in mind when they refer to "the marked nationalism and regionalism of public education".

Question 11. When an exchange of schools television programmes is contemplated, do you consider that payments should be limited to the actual cost of supplying the programmes?

Most organisations answered in the affirmative, although some made certain qualifications. RTB would like to be assured that the copyright and performers' rights are equally balanced in the event of a reciprocal exchange.

RTB also reported that "in the Youth Section of the EBU some ten television organisations have been able to exchange puppet programmes for the cost of the copy only, each organisation paying the full copyright and performers' fees for its own productions at the outset".

SRT are more doubtful. They point out that, although they have made no charges so far, beyond costs to cover fees to performers and holders of copyright, they are not sure whether this can be so in future, as exchanges increase in number, particularly those which are non-reciprocal. They are not alone in having a sales department "whose job it is to see to it that at least the company is compensated for administrative and other costs.".

The BBC, on the other hand, have no doubts at all; their reply is "a categoric no". They go on to say: "It is our proven experience that "cost only" or "break even" operations in fact never are, since no allowance can be made for the considerable overheads involved in such schemes. Moreover we think the principle whereby artists and owners of film should be expected to waive all rights to additional fees, copyright etc. simply because the programme in question has been designed for schools is one of very doubtful validity.".

The ITV Companies have organisations for selling programmes to other countries and do not distinguish between schools and other programmes. There are no fixed prices; all sales are negotiated.

Question 12. Do you know of any institutions or organisations in your country which are prepared to subsidise the cost of exchange of schools television programmes?

All organisations replied to this question in the negative.

The reply of SRT was more lengthy than the rest and is here quoted in full, as it seems to shed some light on the wider aspects of the problems of programme exchange.

"Who should be subsidised? Exchanged programmes are based on the idea that it should prove more economical to transmit such programmes than our own productions. However, to avoid misunderstandings we should like to dwell a little on the word "exchange". This word is often not used in its original sense, that is: a country A receives a programme from country B and in return provides country B with programme material of equivalent value. As it turns out, those countries who have a very limited service wish to 'exchange' programmes with those who produce in great quantities.

But it is not very likely that the less developed organisations can offer much in exchange. In our view the purchase of programmes or, more often, programme sequences is a more economic procedure and yet, we venture to say, very much in harmony with the idea of European co-operation. Exchange could be effective if common projects could be planned between a number of States. Theme and programme content and tape production could then, from the very outset, be made to suit every country concerned."

Supplementary Question (included after the drawing up of the questionnaire was completed, at the request of ORTF/IPN.)
Are additional fees paid to teachers who have taken part in any capacity in the production of schools television programmes, when such programmes are shown in other countries?

The reply to this question was an almost unanimous "no". Two organisations (ARD and ORTF/IPN) made the distinction that a teacher under contract would be eligible to receive a supplementary fee, but not one who was a salaried member of an organisation's education department.

SSR considered that there might be occasions when such a fee would be paid, but pointed out that some contracts foreshadowed repeats and in these cases no supplements would be payable. NRK and DR stated that, in general, the answer was "no", but a larger original fee than usual might be paid if the programme concerned was likely to be exchanged.

The BBC states that: "Teachers are treated like any other contributors and if engaged on contracts providing for additional payment for overseas use they would be paid". The reply from RE was similar. They indicate that there is no fixed scale of fees and that they would have to be negotiated separately in each case.

P A R T III

CONCLUSIONS AND RECOMMENDATIONS

1. General Conclusions

The answers to Question 1 make it appear that not much has been achieved so far in the exchange of schools programmes inside Europe, with one notable exception: The Nordvision scheme. This is the only example which has come to light of an organised and regular scheme for programme exchange. It is worth while to consider the reasons for its success, which are:

(a) the three countries involved (Sweden, Norway and Denmark) plan the programmes together;

(b) they have a long history of experience in co-operation which goes back to the days before television came - i.e. in sound radio;

(c) a language barrier exists, but can be overcome;

(d) the traditions of the countries concerned have much in common and the school curricula are not dissimilar.

On the other hand, the answers to Question 2, which asked for information about legal and economic difficulties, showed rather surprisingly that, although difficulties do indeed exist, they are not insuperable. Assuming, therefore, the acceptance of the desirability of programme exchanges, one is forced to the conclusion that there must be other reasons which have caused the broadcasting organisations and their educational advisers to hesitate. The remark which G. K. Chesterton made about religion comes to mind: "It is not that it has been tried and found difficult; it has been found difficult and not tried". It is, of course, quite possible that the small amount of exchanges which have taken place represent an inadequate foundation on which to base a reliable conclusion about the extent of the legal and economic difficulties. It could be that wider and deeper excursions into this comparatively uncharted territory might reveal difficulties which, so far, have remained concealed.

2. Legal Issues

If it is accepted that questions of copyright and agreements with performers are more appropriately to be grouped under the heading of economic difficulties, because, with very few exceptions (1), clearances and concessions can be obtained at a price, legal problems are confined to customs and quotas. There is no evidence that the former presents any difficulties to any country which is a signatory to either of the UNESCO customs agreements (2). It is true that some countries do not avail themselves of the concessions provided by these agreements in the case of television programmes, but this is in accordance with their own wishes.

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(1) These would cover cases where copyright permission (e.g. for a filmed insert or a piece of recorded music) was refused for broadcasting in another country or where a performer refused his consent for an exchange, there being no residual clause in his contract.

(2) See Part 1, paragraph 4.

The only broadcasting organisations which are subject to an import quota in respect of foreign material are the ITV Companies in the United Kingdom. Although this restriction applies to all kinds of programmes from all outside sources, it is intended primarily to limit the importation of entertainment material. If a case ever arose whereby an exchange of a foreign programme for schools was rendered impossible because of the quota there is little doubt that an application for exemption would be made.

3. Economic Issues

The most important factor of all to be taken into consideration under this heading is concerned with the question whether television programmes for schools are entitled to be treated differently from other sorts of programme, bearing in mind that more is involved here than a mere statement of principle. Those who are concerned with supplying copyright material and their personal services to the making of such programmes will not be persuaded to make concessions until they are convinced of the logic of the situation. Other factors are concerned with video-tape recordings, text-books, the question of profits and the organisation of information about programme material. As we have seen, the question of language can also be an economic issue.

4. The Case for Special Treatment

On this point the views of the broadcasting organisations consulted are contained in the answers to Question 4. As might be expected, they show some variation. Two only (BBC and SRT) do not think there is a case for special treatment, the former because of the difficulty of distinguishing between educational and entertainment programmes. ARD's arguments emphasise the importance of schools television and the small budgets which are available for them. However, the two arguments which came out most strongly were:

(a) that schools programmes are in a special category because of their educational purpose (i.e. they are not commercial); and

(b) they are broadcast to a small audience at a time when there is little or no demand for television from the general public.

Without prejudice to the justness of the rest, it seems likely that these last are the arguments which will carry the most weight with unions and copyright societies. Among the evidence under Question 3 the concessions granted in the United Kingdom by Equity and the Musicians' Union in respect of repeat fees and reduced fees in the case of overseas sale(1) constitute a useful precedent. Apart from Scandinavia (Question 3), there is no evidence that copyright fees are regularly reduced or remitted for schools, except that ORTF/IPN have negotiated flat rate payments (Question 2 (3)); but the general impression is that lower rates for schools programmes can be negotiated in individual cases. Much will depend on the domestic copy-right laws in each country.

The question of subsidy, either from governmental or other sources, with which Question 12 was concerned, is not pursued further in view of the unanimously negative reply which was received. It does not appear to be a practicable proposition.

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(1) Details in answers to Question 2 (4) and 3.

5. The Video-tape Recorder

This might at first sight appear something of a side issue, especially as this instrument has not so far been developed at a price which most schools can afford. However, the schools themselves are showing great interest in its possibilities as a means of solving the problem of how to fit television broadcast schedules into their time tables, and it is only a question of time, a few years maybe, before it will be in use in large numbers. It would seem advisable, therefore, that the linked problems of copyright and performers' fees should be considered before tney arise. The interest which the broadcasting organisations are showing in this problem is reflected in the fullness of their replies to Question 6.

ARD and SSR both referred to the new copyright act which has recently been passed in the Federal Republic of Germany, which will obtain for schools in respect of television programmes the concessions which have already been granted to the BBC in the United Kingdom for schools radio programmes(1) - namely that tapes may be made of schools programmes, but must be wiped at the end of the school year. As far as the time limit is concerned, it is interesting to note that in Sweden sound tapes can be kept by schools for three years (which is the interpretation of "temporary use") and this period may be extended in future. SRT does not foresee any difficulty about the extension of this concession to taped television programmes when the time comes. SSR also makes a plea for a removal of the time limit.

If the revisionary conference of the Berne Convention to be held in Stockholm in 1967 is prepared to consider the special position of educational establishments as regards copyright, it is to be hoped that the question of the video-tape recorder will be included.

The Transcription Service, already in operation for sound tapes in Norway, open up interesting possibilities for video-tapes. Its advantage is that it would allow much greater control of the situation, and would therefore appeal to copyright holders, but compatibility of equipment would be an essential prerequisite.

6. Textbooks

Like the foregoing, this was a Question (No. 7) which has more reference to the future than to the present. There is today little or no direct link between producers of schools television and educational publishers, but this situation may well change before very long. The word "textbook" means something a good deal more substantial than the ordinary run of programme literature which is distributed to schools in connection with television broadcasts, the rights for which are bought for a lump sum from the author by the broadcasting organisation. A textbook will probably involve royalty payments, which will tend to complicate the issue if the textbook accompanies the programme when an exchange takes place. ARD raised a very real point of difficulty which would arise if the rights of the book in the receiving country were held by an organisation which refused to grant permission for its distribution.

ORTF/IPN have already experienced the reluctance of a teacher to put his own ideas out on a television programme because he feared that their dissemination over the medium would lead to pirating which he would be unable to control even through the copyright protection which would be afforded to the accompanying textbook. This is a real, if not yet urgent, problem, which will require eventually the attention of legal experts.

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(1) For details see Part II Question 6 - Performers' fees.

7. The Question of Profits

The object of Question 11 was to discover if any broadcasting organisations expect to make a profit from the exchange of schools programmes. It was also intended that the phrase "actual cost of supplying the programmes" should include such items as copyright fees and payments to performers (and, in some cases, producers as well). It would be unreasonable to expect an organisation to exchange programmes at a loss, unless possibly the recipient was one of the developing countries.

As was to be expected, those looking for a profit turned out to be the ITV Companies of the United Kingdom. This is quite reasonable because they are commercial concerns and not controlled or sponsored by the State. It is clear, however, that even they do not expect the same return for the sale of educational as they do for entertainment programmes. With two exceptions, the remaining organisations were in favour of exchanges being made at cost. Of the two, SRT are not sure whether they can continue exchanging programmes on this basis, presumably because they find it difficult to arrive at a figure which truly represents the exact cost of an exchange. The BBC are quite sure that this figure is an elusive one and therefore presumably fix a price which ensures that a loss is not incurred; which is not, of course, the same as saying that they are looking for a profit.

The most satisfactory arrangement (as mentioned by RTB) is likely to be reached in the case of reciprocal exchanges, where the hidden costs on each side can be fairly regarded as being equally balanced.

8. Information about Programme Material

No question under this heading was included in the questionnaire, because at the time when it was sent out this problem did not seem to fall within the terms of reference of the survey. If, however, (as has been pointed out in Part 1, paragraph 11), a serious attempt is to be made by broadcasting organisations to keep records of material (especially on film) which they use in the course of making their educational programmes and are prepared to publish lists for the benefit of other countries, staffing and printing costs will be incurred. In this way the problem becomes an economic one and, therefore, justifies its inclusion in this section of the survey.

9. Language

There can be no doubt that language is a formidable obstacle to the exchange of schools programmes between European countries where different tongues are spoken, the exception being the language teaching programme, in which only the language being learnt is employed. If "dubbing" can be accepted as a means of overcoming this difficulty, then the problem immediately becomes an economic one, as this operation is notoriously expensive. It is difficult to see, however, how "dubbing" can be properly used in the context of a teaching programme (1).

10. Recommendations

It will be seen, therefore, that the questionnaire has shown that, apart from isolated cases, the difficulties experienced so far by broad-

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(1) This problem is examined in more detail in Part I, paragraph 10.

casting organisations are mainly economic - although, to judge from some points which somehow or other found their way into the replies (1), other obstacles also exist which are, strictly speaking, outside the scope of the survey, but of an importance which it is impossible to ignore.

Apart from language, which has already been mentioned in the previous paragraph, the differing methods and styles of teaching in different countries are bound to hinder exchanges. It would seem that the only programmes, made originally for home consumption, which are likely to be exchanged, are those that approach most closely to the so-called cultural programme, e.g. those dealing with drama, art or music, most of them of a type, incidentally, which is likely to prove expensive to exchange owing to the larger number of performers than usual and copyright fees involved; all of which emphasises the economic nature of the problem.

Apart from this kind of programme, the best hopes are probably for those which are planned from the start with the idea of exchange in mind, such as, for example, the language programmes which are exchanged between the Nordvision group. Such planning should, of course, extend beyond the purely pedagogical problems to include the terms of contracts with performers and holders of copyright, and also to such technical questions as the use of film or video-tape. In the latter case, the importance of compatibility of equipment must not be overlooked. From this, it is only a short step to co-production, which has great possibilities from the pedagogical angle, but may run into difficulties owing to objections raised by some technicians' unions.

There seems, therefore, to be good reason why every encouragement should be given to the EBU schemes for the mutual exchange of programme material, as this gives the widest choice to receiving countries to adapt it in the way that suits them and their teachers best, and also overcomes the language barrier in the most effective way, because it is left to the receiving countries to supply their own sound track.

As far as the strictly economic issues are concerned, action can be taken on some counts to reduce the cost of exchanges and so help to bring them within the limits of the budgets of the schools departments. The necessity for it will vary between countries according to their internal laws of copyright and the agreements which they have negotiated with their own performers' unions.

If, on the other hand, concerted action (particularly in connection with the question of special treatment for schools programmes, the video-tape recorder and the use of textbooks) is considered desirable, it may not be too late to have these issues included in the agenda for the revisionary conference on the Berne Convention which is to be held in 1967. A resolution which provided for a preferential system in favour of school broadcasting would ease the copyright problems considerably.

On the performers' side, there is in existence the agreement negotiated in 1957 between the European Broadcasting Union and the International Federation of Performers, although this does not make any special reference to schools programmes. If international action is decided upon, it is likely that a new approach would have to be made.

Of the remainder, the question of fixing the price for exchanges must surely remain a matter for negotiation between the countries concerned, with the consideration always in mind that <u>reciprocal</u> exchanges ease the problems considerably.

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(1) See RTB and BRT's reply to Question 2 (5) and SRT Questions 10 and 12.

The cataloguing and distribution of information about programme material is bound to add substantially to departmental budgets, and there seems to be no way of reducing this. However, one has the feeling that once the broadcasters are convinced that the idea is a good one, the funds will be forthcoming.

Language remains the most intractable problem of all, once it is agreed that "dubbing" is unacceptable in the context of a teaching programme. Indeed, a satisfactory solution of it may well have to wait until the countries of Europe literally speak "with one voice".

A P P E N D I X A

EBU EXPERIMENTS

In this Appendix are included some notes on the two experiments organised by Sub-Groups of the Study Group on Teaching by Television of the European Broadcasting Union. As the experiments are not yet complete, no formal estimate of their results is as yet available.

The notes, supplied by Sten-Sture Allebeck of SRT and Robert McPherson of ITV respectively, are intended to give information on what the experiments set out to achieve and the methods employed.

I. Joint project on film material for use in geography series on Western Europe

General Arrangements

1. The materials (film, printed commentary, shot-lists, ancillary materials) to be available to any EBU country on request.
2. All rights in the film should be cleared by the country supplying the material. Countries receiving material should not be required to conduct any formalities or correspondence relating to the copyright of the material.
3. The price of the material shall be confined, if possible, to the basic cost of the film prints (or negatives) supplied. If a separate sound or effects track is also available this should be supplied at basic cost.
4. The country supplying the material should, if possible, also provide:
   (a) a shot list preferably with film measurements (footages or metric measurements);
   (b) a complete commentary to the film written in English or French.
5. The distribution of the film material should follow the usual EBU channels i.e. the EBU liaison officers in each country.
6. If possible the country supplying the film should also send a selection of photographs and other relevant illustrations so that these can be used by receiving countries in the preparation of any pamphlets, leaflets or teachers' guides that they normally provide for schools.
7. Viewing prints will not normally be available. The price of the prints has been kept very low so as to facilitate ready purchase.

Film material available

1. Sweden
   "Kiruna" - a mining town in the North (sep.mag.)

2. Norway
   High mountains and deep valleys

3. Denmark
   "Marsken" - the marsh-land (sep.mag.)

4. United Kingdom
   "Liverpool" - a major port (mute)

5. United Kingdom
   "Stoke on Trent" (mute)

6. Netherlands
   NTS film library has material on "Struggle with the sea".
   This deals with
   (a) land reclamation in Zuiderzee;
   (b) the "Delta project" in the province of Zeeland (hit by the catastrophe of 1953)
   Further information from Miss Margaret Korsman.

7. Belgium
   "Le Charbon" Apart from the film shown to delegates to the Study group, Belgian school television has agreed to shoot some additional sequences to strengthen the human element in the story (the miner in his home - going to work - a Belgian town, density of population).

8. Federal Republic of Germany
   Outside the original plan Bayerischer Rundfunk have offered
   "Hopfen aus der Hallertau" - a programme on the cultivation of hops. This film can be made available through Bayerischer Rundfunk.

9. France
   "La vallée du Rhône (sep.mag.) Please note that film is offered in the new version specially adapted for European exchange upon suggestions made when the film was first shown in Basle.

10. France
    "La Beauce" (sep.mag.)

11. Switzerland
    "Richesses économiques d'un pays sans ressources". A new version of this film is being made.

12. Italy
    A film on Southern Italy (a Mediterranean location) was due to be finished by the end of March.

Mr. Allebeck writes: "As most countries were in the initial stage of producing schools programmes, they were unfortunately not able to provide film sequences shot exclusively for this project. We saw in many cases that complete films which had been used, or which were to be used, for domestic purposes were offered, as well as film sequences without separate effects track".

II. Sub-Group on international co-production of mathematics programmes

Mr. McPherson writes:

1. Consequent upon initial and continuing success in exchange of Geography film, members of the above Study Group (1) decided in 1962 to appoint a Sub-Group to look into the possibilities of international co-production, as distinct from exchange of mute film.

   Mr. Weltman (then of Granada Television) was appointed first Convener of the Group and the subject to be pursued was Modern Mathematics.

   Algebra (theory of sets) and Motion Geometry were the possible topics, and by extensive correspondence with several countries interested in the project Motion Geometry was selected.

2. In 1963 Mr. McPherson (then of Rediffusion Television) accepted Convenership of the Group, and correspondence work continued. Over a period of two years meetings were held involving mathematicians and television producers from a group of countries, each intensely occupied with production of modern mathematics at home. These meetings took place in Paris, in Brussels, and in London and, for the main part, the work was directed at achieving agreement on a preliminary series of six programme treatments. This took considerable time, because of the differences of approach to the subject matter adopted by the various countries, but in the end full agreement was achieved on a syllabus.

3. It was resolved that Programme One, as far as content was concerned, should be provided in visual form, so that all member countries could be made aware of the potential achievements, and French Radio and Television (Schools Television Department) very kindly produced a special film for this purpose.

   The film shows examples in real life relating to central projection, coupled with special animation film developing this concept of mathematics. By agreement, the film track is itself mute, each sequence is held for a long time and gaps are plentiful. The intention is that, even at this stage, countries might obtain the basic film and insert appropriate sections into television studio work suited to their own local situation and audience.

4. It is proposed to continue meetings with the Group with a view to discovering if actual co-production in terms of the use of one organisation's studio centre by an international team can be achieved.

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(1) The following countries are represented in the Group: Austria, Belgium, Denmark, France, Ireland, Italy, United Kingdom(2). It is open to all EBU members to participate in the exchange scheme.

The difficulties here are, of course, availability of studios and personnel, who are heavily committed to their own organisation's production plans. Members of the Group are reasonably confident that the work will be continued and the success of the initial part of the exercise repeated as co-production itself is reached.

A P P E N D I X B

THE NORDVISION EXCHANGE SCHEME

Mr. Hans J. Birkrem of NRK writes as follows:

The co-operation between the Scandinavian School TV - departments is based on an old tradition established by the school broadcasting sections (Radio). The heads of school television in Denmark, Sweden and Norway have all worked for years in radio and the very good co-operation from those days has a natural continuation in television.

This collaboration has had a particular importance in the field of geography, language teaching and Scandinavian history.

Besides the EBU Geography scheme Sweden, Denmark and Norway have exchanged programmes in geography. In one case, Sweden put a film team at our disposal and we supplied a Norwegian producer for a programme on Norway. Sweden made three programmes in Denmark on a special geographical subject with a Danish anchor-man. These programmes were used as a pure geographical programme series in Denmark, and as a geographical and language programme series in Sweden and Norway.

Two Swedish series on the Stone Age and Life in the Middle Ages in Sweden have been used by Norway, who included Norwegian filmed material and renamed the series "Scandinavian Stone Age and Middle Ages".

Every second year we have a Nordic Meeting for the people of school radio and television. At these meetings, where we discuss matters of mutual interest, programme planning on a Nordic base is the most important subject of the meeting. During the last year we have concentrated on the co-operation in the field of language teaching, e.g. English, French, and German (2nd year of German in Schools), Sweden for five programmes in French (2nd year of French) and Norway for five programmes in English (Senior High School level). These series are now ready, and the first ones will be broadcast this* and the following years. All costs are shared by Sweden, Denmark and Norway.

We are all very satisfied with this co-operation, especially Norway, because of our rather small technical capacity until the new television building is ready for use in 1967.

I ought to mention that both Denmark and Norway have profited from two very good Swedish productions in English for second year students aged 12-13, "Smile, Please" and "Meet Mr. Sims". We broadcast them this year as repetitions.

It is now decided that we shall have viewing sessions twice a year. This means an increasing exchange of programmes between Denmark, Finland, Sweden and Norway. When Iceland starts their television next year we hope to include also Iceland in our co-operation plans.

As to pedagogical difficulties, these are easily overcome, if I may say so. As to the teaching of languages, we are lucky in Scandinavia to have a curriculum which in general follows the same lines. Even if Sweden starts English in the 4th class, Norway mostly in the 5th, this makes no hindrance in using the same television programmes, when we only adjust the

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* 1965

use of them to the right year.

As to the other subjects, there might be a slight difference as to the time when a particular subject is taught in the different countries, but it is, however, easily integrated in our plans.

It seems as if Norway is in the lucky position of being linguistically placed between Denmark and Sweden. The language of both countries offers some difficulties to our pupils, especially Danish because it is not pronounced distinctly enough, but our research shows that about 73% of the pupils can follow a programme with Swedish or Danish commentaries without difficulty.

For the Danes, Swedish is the most difficult language of the two, just as Danish is for the Swedes. You will therefore find that most of the programmes are dubbed when utilised in the other countries, but in some of the series we have broadcast we have kept the original commentaries.

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